



Paul Helliher
Director

Department of Pesticide Regulation



Gray Davis
Governor
Winston H. Hickox
Secretary, California
Environmental
Protection Agency

July 10, 2003

EXECUTIVE OFFICE #03-02

TO: County Agricultural Commissioners

SUBJECT: 10-DAY PERIOD TO APPEAL COMMISSIONERS' STRUCTURAL
PEST CONTROL PENALTY DECISIONS TO THE DISCIPLINARY
REVIEW COMMITTEE

It has recently come to our attention that some commissioners may think persons have 30 days to appeal to the Disciplinary Review Committee (DRC) to review a commissioner's decision, which imposes a penalty pursuant to Business and Professions Code section 8617.

By law (Business and Professions Code section 8662), a respondent structural pest control licensee or registered company must file a written appeal with the DRC within 10 days of receipt of a commissioner's civil penalty or suspension of right to work decision and order.

DPR informed commissioners in December 1998 (Executive Office #98-4) that the appeals portion of their structural pest control decisions should be changed to reflect that written requests for appeals to the DRC should be mailed to DPR's Legal Office, instead of DPR's Enforcement Branch as had been done in the past. The address in that letter is no longer valid. The appeals portion of the commissioner's Notice of Decision and Order, which adopts the Hearing Officer's proposed decision, now should say:

"You may appeal the Commissioner's decision to the Disciplinary Review Committee by mailing a written appeal to the committee within 10 days of receipt of this decision. The appeal must be signed, must state the grounds for the appeal, and must include a copy of the commissioner's decision. The mailing address for the appeal is:

Chief Counsel
Office of Legal Affairs
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, CA 95812-4015

You must mail a copy of the written appeal to the County Agricultural Commissioner at the same time you mail the appeal to the Disciplinary Review Committee/ Department of Pesticide Regulation."

FLEX YOUR POWER! For simple ways to reduce energy demand and costs, see <www.cdpr.ca.gov>.



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This letter supersedes the December 1998 Executive Office #98-4 letter to commissioners.

If you have any questions, please feel free to contact me at the number below.

Sincerely,

Sharon Dobbins
Chief Counsel
(916) 324-2666

cc: Mr. Scott Paulsen, Chief, Enforcement Branch
Mr. Daniel J. Merkley, County Agricultural Commissioner Liaison